

ZUCKERT SCOUTT & RASENBERGER, L.L.P.

ATTORNEYS AT LAW

888 Seventeenth Street, NW, Washington, DC 20006-3309  
Telephone [202] 298-8660 Fax [202] 342-0683  
www.zsrlaw.com

JAN 10 2005

RICHARD A. ALLEN

DIRECT DIAL (202) 973-7902  
raallen@zsrlaw.com

January 10, 2005

**BY HAND**

Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, D.C. 20423

ENTERED  
Office of Proceedings

JAN 11 2005

Part of  
Public Record

Re: Docket No. AB-512X, *Sierra Pacific Industries – Abandonment Exemption – 2/29/06*  
*In Amador County, CA, and*  
Docket No. AB-880X, *SierraPine – Discontinuance Exemption – In 2/29/07*  
*Amador County, CA*

Dear Secretary Williams:

I enclose for filing in this proceeding an original and ten copies each of (1) Petitioners' Motion For Leave To File Reply To Comments, (2) Petitioners' Reply to Comments and (3) Petitioners' Reply To The Amador County Transportation Commission's Request For Issuance of Public Use Condition Or Certificate Or Notice Of Interim Trail Use.

Sincerely,

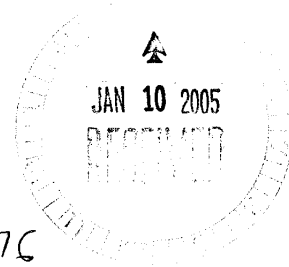


Richard A. Allen

cc: All Parties of Record

Before the  
Surface Transportation Board

---



STB Docket No. AB-512X 212976

SIERRA PACIFIC INDUSTRIES—ABANDONMENT EXEMPTION—  
IN AMADOR COUNTY, CA

---

ENTERED  
Office of Proceedings

JAN 11 2005

Part of  
Public Record

STB Docket No. AB-880X 212977

SIERRAPINE—DISCONTINUANCE EXEMPTION—  
IN AMADOR COUNTY, CA

---

**PETITIONERS' MOTION FOR LEAVE TO FILE  
REPLY TO COMMENTS**


---

Sierra Pacific Industries and SierraPine (collectively, "Petitioners") hereby respectfully request, pursuant to 49 C.F.R. § 1110.9, that the Board waive its general rule at 49 C.F.R. § 1104.13(c) prohibiting a "reply to a reply," to permit Petitioners to file the accompanying reply to the four comments submitted on the merits of Petitioners' November 12, 2004 Petition for Exemption (the "Petition") to abandon and discontinue service over a 12-mile line of railroad between Martell and Ione, California. The comments are: (1) a letter from the Board of Supervisors of Amador County dated December 10, 2004; (2) a letter from the California Department of Transportation dated December 22, 2004; (3) a "Protest to Petition for Exemption" by the Amador County Transportation Commission dated December 21, 2004; and (4) a letter from the Martell Industrial Center, LLC dated January 7, 2005.

The Board has often granted waivers of its general rule permitting replies to replies when, as here, doing so would provide the Board a more complete record on which to render a decision, would not prejudice any party and would not delay the proceeding or the issuance of a decision. *See, e.g., Union Pacific Railroad Company – Abandonment Exemption – In Rio Grande and Mineral Counties, Co*, STB Docket No. AB-33 (Sub-No. 132X), slip op. at 3 (served June 22, 2004); *The New York City Economic Development Corporation – Petition for Declaratory Order*, STB Finance Docket No. 34429, slip op. at 5, n.4 (served July 15, 2004); *Tongue River Railroad Co.—Construction and Operation—Western Alignment*, Finance Docket No. 30186 (Sub-No. 3), slip op. at 3 (served March 11, 2003); *Salt Lake City Railroad Company, Inc. – Adverse Abandonment – Line of Utah Transit Authority in Salt Lake City, UT*, STB Docket No. AB-520, slip op. at 2, n.2 (served August 26, 1999).

In this case, the filing of Petitioners' reply to the comments will provide the Board a more complete record for deciding the Petition. Moreover, the reply should not prejudice any party or delay the proceeding or the Board's decision, which the Board has stated it will issue on or before March 2, 2005.

Respectfully submitted,



Richard A. Allen  
Scott M. Zimmerman  
ZUCKERT SCOUTT & RASENBERGER, L.L.P.  
888 Seventeenth Street, NW  
Suite 700  
Washington, D.C. 20006  
(202) 298-8660  
*Attorneys for SierraPine and Sierra Pacific  
Industries*

Dated: January 10, 2005

### CERTIFICATE OF SERVICE

I certify that on January 10, 2005 I caused to be served a true copy of the foregoing "Petitioners' Motion for Leave to File Reply To Comments" by first class U.S. mail, postage pre-paid, upon:

Tom Dumas  
Senior Transportation Planner  
California Department of Transportation  
P.O. Box 2048  
1976 E. Charter Way  
Stockton, California 95201

Steven C. DeBaun  
Best Best & Krieger LLP  
3750 University Avenue  
P.O. Box 1028  
Riverside, California 92502

John F. Hahn  
Amador County Counsel  
County Administration Center  
500 Argonaut Lane  
Jackson, California 95642-9534

Rose-Michele Weinryb  
Weiner Brodsky Sidman Kider PC  
1300 Nineteenth Street, NW  
Fifth Floor  
Washington, D.C. 20036-1609


California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102  
415-703-2782

Chief Projects Analyst  
Office of Planning and Research  
P.O. Box 3044  
Sacramento, California 95812

SDDCTEA  
Attn: Railroads For National Defense  
720 Thimble Shoals Blvd., Suite 130  
Newport News, VA 23606-2574

U.S. Department of Agriculture  
Chief of the Forest Service  
1400 Independence Ave., SW  
Washington, D.C. 20250-0003

Chief of National Recreation and Trails  
National Park Service  
Recreation Resources Assistance Division  
1849 C Street, NW  
Washington, D.C. 20240-0001

  
Richard A. Allen